

REMARKS

The application has been amended and is believed to be in condition for allowance.

There are no formal matters pending.

Amendments to the Disclosure

The specification is amended to include section heading consistent with 37 CFR 1.77(b); the amendments to the specification do not introduce new matter.

Independent claims 1 and 14 are amended to clarify the distinguishing features of the invention over the prior art. The amendments find support in the specification and the drawing figures as originally filed (e.g., page 12, lines 28-31; page 12 line 39 to page 13 line 4; page 15, lines 24-39; Figures 1-5, 9-10).

The claims are further amended to address antecedent basis issues and formal issues in consideration of U.S. practice and preferences.

Additionally, claim 10 is amended to remove a preferential feature; the preferential feature is re-introduced as new dependent claim 15. New dependent claims 16 and 17 depend from claim 14 and respectively correspond to claims 5 and 6.

New claims 18-20 are introduced to recite the invention in a different form. The new claims find support in

claim 1, 5 and 6 as originally filed, as well as the specification and the drawing figures.

Based at least on the citations to the specification and the drawing figures indicated above, it is respectfully submitted that the claim amendments and new claims are not believed to introduce new matter.

It is further believed that the amended claims and new claims are directed to the elected Group I, drawn to a bag with an elastic strip as elected in the response filed April 19, 2010.

Substantive Issues - Sections 102 and 103

The Official Action rejected claims 1, 2, 4-8, and 14 under 35 U.S.C. 102(b) as being anticipated by Malaspina (US Patent No. 6,585,415; "MALASPINA").

The Official Action rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable over MALASPINA as applied to claims 1 and 2, and further in view of McGlew et al. (US Patent No. 6,164,824; "MCGLEW").

The Official Action rejected claim 9 under 35 U.S.C. 103(a) as being unpatentable over MALASPINA as applied to claims 1, and further in view of Raterman (US Patent No. 6,921,202; "RATERMAN").

The Official Action rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over MALASPINA.

The rejections are respectfully traversed for at least the reasons that follow.

As to claim 1, the Official Action offers MALASPINA as anticipating an elastic band welded to two faces of a bag along lateral edges, at least one of the abovementioned two connection regions forming an "intermediate" connection region at element 16, from one side of a notch to seam 30 located at a distance from two lateral edges.

In response, it is firstly noted that claim 1 has been amended. It is respectfully submitted that MALASPINA fails to teach or suggest a bag with an elastic band welded at each of two lateral edges of the bag, and further welded at an intermediate connection region, as recited by amended claim 1.

In other words, there is no teaching in MALASPINA of an elastic band welded at the three distinct locations recited in claim 1. On the contrary, MALASPINA teaches only two joining points for an elastic band on a bag, the joining points at the being at the two opposite ends of the sheaths (see column 2, lines 50-55; column 3, lines 33-34).

It is therefore respectfully submitted that MALASPINA fails to teach all the features recited in claim 1.

It is also respectfully submitted that none of the other prior art reference offered by the Official Action, individually or in combination with MALASPINA, teach or suggest this feature.

It is therefore respectfully submitted that claim 1, as amended is patentable.

It is also respectfully submitted that amended claim 14 and new claims 16-20 are patentable at least for the reasons set forth above as to claim 1.

It is further respectfully submitted that claims depending from claim 1 are patentable at least for depending from a patentable parent claim.

From the foregoing, it will be apparent that Applicant has fully responded to the July 9, 2010 Official Action and that the claims as presented are patentable. In view of this, Applicant respectfully requests reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicant at the number provided below if the Examiner is of the opinion that further discussion of this case would be helpful in advancing prosecution.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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